

### REMARKS

This paper responds to the Office Action mailed November 2, 2005. In the Action, which was made final, the Examiner rejected all the pending claims under 35 U.S.C. § 102.

The rejections of the claims are respectfully traversed. However, in order to advance prosecution, claims 1-36 have been canceled, and claim 37 has been formally amended. Claims 39-51, dependent directly or indirectly on amended claim 37, have been added.

Reconsideration is requested.

#### Rejection under 35 U.S.C. § 102

Claims 1, 2, 6-9, 15-18, 20-21, 26, 37 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Patent 3,759,425).

Claims 1, 2, 6-9, 15, 16, 17, 26, and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Caldwell et al. (U.S. Patent 4,935,009).

Claims 1, 2, 6-9, 15, 16, 17, 18, 20, 26, 37 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Winnard (U.S. Patent 3,601,151).

Claims 1, 2, 6-9, 15, 26, 37 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cardenas (U.S. Patent 5,616,133).

Initially it is noted that the claims, as amended, have been allowed in other jurisdictions, e.g., in Europe (see EP 0 882 466). Further, they are allowable for at least the following reasons.

Lee discloses a piston valve syringe gun that includes a needle lock nut 13 that incloses discharge valve 4. The needle lock nut is configured to accept a needle adapter allowing the needle adapter to secure itself on needle mount 12, while the needle lock nut 13 secures to the housing 6 of discharge valve 4. However, the needle lock nut is not configured to itself include a needle for penetrating a membrane sealing an outlet. In addition, no membrane is provided for a needle to penetrate in Lee. Therefore, the recitation of at least element f) of independent claim 37 is not disclosed by Lee. Accordingly, the rejection based on Lee should be withdrawn.

Caldwell discloses an emergency drug injection system that includes a “valve-to-syringe connector 12 [which] is designed with an inner bore adequate to accept the nozzle 31 of the pump means 30 in a sealed fashion.” (Caldwell, column 6, lines 30-33.) The valve-to-syringe connector 12 does not include a needle that connects to the connector casing an used for penetrating a membrane. In addition, Caldwell does not provide a membrane for sealing an outlet of the connector casing. Therefore, Caldwell fails to disclose each element of independent claim 37, and the rejection based on Caldwell should be withdrawn.

Winnard discloses a nonreturn valve for medical uses that includes a spigot part 11 and a socket part 10. Neither the spigot part 11 or socket part 10 includes a needle for piercing a membrane covering the outlet of a container. Furthermore, Winnard does not disclose or teach a membrane sealing an outlet of a connector casing capable of being pierced. Therefore, Winnard does not provide the proper basis for a rejection under § 102(b), and the rejection should be withdrawn.

Cardenas discloses a syringe for an epidural catheter that includes a “pusher member or projection 64, made up of vanes 66 (shown in Figs. 5 and 7) and having a circular end 68, extend from the body 56 of the connector 32 and projects through the syringe end opening 60 of the fluid path 58.” (Cardenas, column 3, lines 58-60.) Cardenas does not disclose a connector casing that penetrates a sealing outlet of a container via a needle as recited in independent claim 37. In addition, Cardenas fails to disclose a membrane for sealing an outlet of the connector casing. Therefore, the 102(b) rejection should be withdrawn.

Because claim 37 recites elements not disclosed or taught by the references cited, and because claims 38-51 depend from claim 37 and recite additional features, claims 38-51 are allowable.

Conclusion

A petition to extend the time to respond is being submitted herewith. A check is enclosed to cover the fees. The Office is also hereby authorized to charge any additional fees and/or credit any overpayments associated with this paper or the petition to Deposit Account No. 04-1420.

The application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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Date:

March 1, 2006

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